

Jim Shively, a widely respected and very knowledgeable staffer at the New Mexico Environment Department (NMED), retired on December 31, 2003. Shortly thereafter, he wrote to Environment Secretary Curry about the process by which Intel had been granted an air emissions permit and followed that two weeks later with a press conference. His letter was included in a book titled *Boiling Frogs: Intel vs The Village* in a chapter called "Shively Blows the Whistle." I have copied it directly from the book so that you can see what many of us have known for two decades: that NMED has failed to properly issue an effective air emissions permit for Intel.

"This letter is a follow-up to a meeting I had with Jim Norton and Jon Goldstein on October 24, 2003 regarding the Intel air quality permit and Air Quality Bureau problems in general. This meeting was prompted by a reporter's request for an interview with me prior to my retirement on December 31, 2003. The reporter made the request because I was a Program Manager of the New Source Review permitting unit of the Air Quality Bureau from June 1994 until March 2001. The reporter was denied the interview and I requested the meeting with Jim Norton to at least inform him of how I expected the interview to go.

The Intel permit (No. 325M9) is a "sham" based on an EPA memo dated June 13, 1989, and the process that produced the permit was a farce. The permit is impractical and unenforceable. This has been repeated and emphasized many times and by many people during the review process and since. It is written with the emissions factors provided by Intel that have never been independently validated. The Department cannot determine Intel's air emission nor can the factors or emissions be determined with any real confidence or yardstick. Intel can't be found in violation of the emission limits in the permit. Only Intel knows the origin or validity of the factors.

This permit, like many others, was granted date to pressure from the permittee, but worse than that, by an inappropriate desire internally to accommodate them to any extent possible. These actions reflect poorly on the entire Bureau, and as a result, it has become severely compromised and lacks integrity and credibility.

The Bureau has now, and has had in the past, many conscientious, competent, and dedicated employees, who if provided with competent and quality leadership and management could serve the public well. One manager in particular that I do believe you can have faith in, and trust her judgment, is Mary Uhl, manager of the Planning and Policy Section. I have worked with her for many years, and worked for her the last three years, and know that she is a very fair and knowledgeable person.

If accountability, experience, and diversity are truly important to your administration, the Department's upper management will finally pay attention and do its homework.

The Department needs to rescind and reissue the permit and conduct the review appropriately and in such a way that people know what is done, how it's done, and why it's done.

If you are interested in meeting to discuss specifics, I'll make myself available. I have already provided Jim Norton with a list of 16 former employees who have agreed to be contacted by the Department. I think you would appreciate their perspective.

Here's hoping that 2004 is a good year for the Department."